

August 28, 2009

TO: William Cody

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: William Cody v. Department of Corrections (DOC)
Allocation Review Request ALLO-08-067

On May 12, 2009, I conducted a Director's review conference at the Department of Personnel in Olympia, Washington, concerning the allocation of your position. Present at the Director's review conference were you and Captain Michael Green from the Washington Correction Center for Women (WCCW), as well as Human Resources Consultants Tina Cooley and Joanne Harmon on behalf of DOC.

Director's Determination

As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of your assigned duties and responsibilities, I conclude your position should be reallocated to the Locksmith Supervisor classification.

Background

On April 20, 2007, the WCCW Human Resources Office received an updated Position Description Form (PDF) for your Locksmith position (#GC81). The April 2007 PDF indicates Denise M. Hays, Facilities Manager, as your supervisor (Exhibit C). You also submitted an unsigned PDF, which indicates Captain Michael Green as your supervisor (Exhibit A-5). During the Director's review conference, you and Captain Green indicated that he became your supervisor around June 2007. You explained that due to a national audit by the American Correctional Association, your position is required to report to Captain Green as the Custody Supervisor, for security purposes. Captain Green confirmed the duties described on the subsequent PDF were accurate, and both PDFs are similar in nature.

During the Director's review conference, Ms. Cooley and Ms. Harmon explained that DOC's management had also been reviewing "stand alone" Locksmith positions at all DOC

facilities. They explained that a "stand alone" Locksmith did not report to a Locksmith Supervisor. DOC's review of the Locksmith positions was prompted, in part, by concerns you and others had raised about allocation to the Locksmith class. HR Manager Donna Haley provided clarification about DOC's decision to review the stand alone Locksmith positions in a subsequent email to you on May 18, 2009 (Exhibit H-2).

On September 3, 2008, Ms. Haley notified you that your position was being reallocated to the Locksmith Lead classification, effective July 1, 2008. Specifically, Ms. Haley determined the duties and responsibilities assigned to your position fit the specialist level of the class series, as identified in the Locksmith Lead class specification. In a September 16, 2008 memo to Secretary Eldon Vail, you reiterated your concerns about the classification of Locksmith positions at DOC facilities (Exhibit D).

On September 19, 2008, the Department of Personnel received your request for a Director's review of DOC's allocation determination. The request, dated September 15, 2008, includes a letter to Ms. Haley highlighting the reasons you disagree with DOC's allocation decision (Exhibit A-1).

The following summarizes your perspective as well as your employer's:

Summary of Mr. Cody's Perspective

Mr. Cody contends the duties he performs exceed traditional locksmith work. Mr. Cody states that a majority of his work involves maintenance on mechanical and electrical detention locking systems and devices at a correctional facility. As such, Mr. Cody indicates that he performs maintenance on mechanized equipment including electronic components, motors, gears, and hydraulic systems for doors, sliders, gates, and other security devices at WCCW. In addition, Mr. Cody asserts he performs welding and fabricating as needed to repair the detention locking systems. Mr. Cody states he may also assist an electrical technician or perform low voltage electrical work needed to repair a system. Mr. Cody further indicates he performs maintenance and construction on door frames and hinges, which may be wood or metal. For example, Mr. Cody asserts he may do concrete work to keep frames in place or modify hinges to prevent tampering.

Mr. Cody emphasizes the responsibility assigned to his position with the tasks of monitoring, evaluating, repairing, and maintaining automated detention locking systems to ensure security at the institution. Mr. Cody notes the locking systems are intricate and range from fully and semi automatic hydraulic to pneumatic, electrical, air pressure, or spring-loaded mechanisms. Mr. Cody asserts he is considered the subject matter expert regarding the maintenance and operation of all detention systems at his facility. Mr. Cody states that he instructs other maintenance workers and contractors when they assist him with tasks affecting the locking systems. Mr. Cody contends he is certified to work on detention locking systems and that he works directly with the manufacturer to resolve any problems related to the equipment. In addition, Mr. Cody indicates he works directly with Captain Green regarding key control issues. Mr. Cody points out that locksmith positions at

other DOC facilities are allocated to the Maintenance Mechanic 3 and 4 classes. Mr. Cody believes the Maintenance Mechanic 4 classification fits the variety of maintenance work and level of responsibility assigned to his position.

Summary of DOC's Reasoning

DOC acknowledges Mr. Cody performs maintenance work on mechanical locking systems and devices but asserts the work is directly related to the locksmith duties described in the Locksmith classifications. DOC contends that skilled locksmith work includes working on locking systems, as noted in the class specifications. DOC describes the electronic and mechanical detention systems maintained by Mr. Cody as locking systems. DOC recognizes that Mr. Cody may work with other maintenance and construction staff in the course of performing his duties but contends that the scope and intent of his position is to perform skilled locksmith work on the locking systems at WCCW. DOC contends the work he performs fits within the specialist level of the class series.

DOC recognizes that Maintenance Mechanic 4 positions at other institutions may perform some locksmith tasks but asserts those positions do not perform locksmith duties a majority of the time. Instead, DOC contends positions allocated to the Maintenance Mechanic classes perform work in a variety of disciplines. Because Mr. Cody does not report to a Locksmith Supervisor and is considered a "stand alone" Locksmith, DOC describes Mr. Cody's position as a specialist level position. DOC contends that Locksmith Supervisor positions at DOC supervise other Locksmith positions. Since Mr. Cody has not been assigned supervisory responsibility, DOC asserts the Locksmith Lead is the appropriate classification for Mr. Cody's assigned duties and responsibilities.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

The April 2007 PDF describes your position's objective, in part, as follows (Exhibit C):

. . . under the direction of the Facilities Manager, is responsible for creating, implementing, and maintaining preventive maintenance plan and tracking PM [preventive maintenance] tasks for all detention locking systems. Performs skilled locksmith work in inspection, corrective maintenance repairs, installation and construction of mechanical and electrical detention locking systems to include keys,

door closures, panic hardware, high security sliding doors, and locks and locking devices.

On the April 2007 PDF, the majority of work (55%) is summarized as follows:

- Create, implement, and maintain preventive maintenance plan and track PM tasks for all detention locking systems;
- Perform skilled locksmith work in inspection, corrective maintenance repairs, installation and construction of mechanical and electrical detention locking systems including keys, door closures, panic hardware, and high-security sliding doors and locking devices;
- Responsibility for operation of key duplicating machines, drill press, grinders, and other power tools;
- Repair, install, and construct semiautomatic, hydraulic, pneumatic, electrical, and spring loaded mechanical locks and locking systems;
- Control inventory of keys, key blanks and tools;
- Order key blanks, lock parts/sets, panic hardware and materials required for working institution inventory;
- Dispose of broken and damaged keys, locks;
- Repair assemblies to protect the security integrity of institution;
- May fabricate custom locking devices to suit facility needs;
- Analyze and repair all electrical opening/locking devices, including keyless touchpad systems;
- Assist electronic technician to diagnose and repair mechanical electrical lock control interfaces;
- Train designated maintenance staff to perform emergency backup locksmith functions;
- Straighten, repair, install, and service hinges, panic locking and unlocking devices and door closures;
- Advise construction maintenance staff on any locksmith related duties affecting doors and jambs;
- Perform work in construction maintenance trade on doors and jambs as required.
- Provide onsite locksmith assistance to other DOC facilities as needed.

The PDF showing Captain Green as your supervisor includes the same position objective and duties described above. Similar to the April 2007 PDF, it indicates that your duties related to the maintenance of locking systems are under the direction of the Facilities Manager. In the section identified as 55% of your key work activities, the newer PDF notes that your position orders materials and maintains an adequate inventory of required materials to carry on shop or maintenance work (Exhibit A-5). During the Director's review conference, you indicated that you have responsibility for shop administration, in terms of ordering materials/ parts and maintaining an inventory of items needed to service the locking systems. Captain Green confirmed that you determine what is needed to ensure the locking systems are working properly. Captain Green indicated that work orders and

purchase orders are generally routed through him, but he will delegate authority to you to obtain whatever is needed to repair locking systems and ensure security of the facility in his absence.

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The class series concept for the Maintenance Mechanic classes reads as follows (Exhibit G-1):

Positions in this series perform general maintenance, repair, remodeling and construction duties utilizing working knowledge of several related skill fields such as electrical, plumbing, carpentry, welding, painting and machinist work. Incumbents inspect, repair, install and maintain physical facilities, locks and maintain and repair machinery and equipment. Positions may be required to lead or supervise and instruct offenders, inmates or residents in general maintenance activities.

The definition for the **Maintenance Mechanic 3** (class code 626L) reads as follows (Exhibit G-2):

This is the senior, specialist or leadworker level of the series. Positions at this level perform skilled work in more than one trade or craft. Incumbents typically specialize in one trade or craft but perform journey-level and semi-skilled work in a variety of disciplines. Incumbents perform construction, maintenance, repair and modification of buildings, facilities, mechanical equipment, machinery and specific apparatus and utilize a working knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.

The definition for the **Maintenance Mechanic 4** (class code 626M) reads, in part, the following (Exhibit G-3):

This is the supervisory or expert level of the series. Positions at this level are responsible for shop administration and supervising maintenance personnel, equipment mechanics or others performing skilled maintenance, repair and modification of plant machinery and mechanical equipment involved with buildings, special apparatus, utilities and facilities.

While I recognize some of the maintenance tasks you perform may be included in the Maintenance Mechanic classifications, the context in which you perform these tasks is to maintain and repair the detention locking systems at WCCW. In a broader context, an assignment to maintain locks as part of general maintenance duties and responsibilities may fit into the Maintenance Mechanic classes. However, the primary focus of your position is to perform skilled locksmith work on the detention systems, which I realize are complex, mechanized locking systems.

The Personnel Resources Board (PRB) has previously addressed similar issues when duties appear to fit in more than one class. The PRB concluded that while one class appeared to cover the scope of a position, there was another classification that not only encompassed the scope of the position, but specifically encompassed the unique functions performed. Alvarez v. Olympic College, PRB No. R-ALLO-08-013 (2008). Further, the Board has consistently held that "[w]hen there is a definition that specifically includes a particular assignment and there is a general classification that has a definition which could also apply to the position, the position will be allocated to the class with the definition that includes the position" Mikitik v Depts. of Wildlife and Personnel, PAB No. A88-021 (1989).

Your position has specifically been tasked with performing skilled locksmith work, including the installation, construction, repair, and maintenance of mechanical and electrical locking systems. The Locksmith class definition (class code 615E) specifically states that incumbents function as "fully qualified journey-level locksmith[s]" and "perform a variety of duties in skilled locking systems repair and installation work" (Exhibit G-4). Therefore, the Maintenance Mechanic series is not the best fit for your position.

I reviewed the other position descriptions you submitted to gain a better understanding of DOC's organizational structure of maintenance related positions assigned to institutions (Exhibit B). In my review, I noted that some Maintenance Mechanic positions have been assigned maintenance work on locks. During the Director's review conference, Ms. Cooley and Ms. Harmon indicated that Maintenance Mechanics performing locksmith work perform other maintenance work a majority of the time. They further noted that locksmith work in those instances was only one component of the job and that work varies from one institution to the next, depending on the institution's needs.

In Byrnes v. Dept's of Personnel and Corrections, PRB No. R-ALLO-06-005 (2006), the Board held that "[w]hile a comparison of one position to another similar position may be useful in gaining a better understanding of the duties performed by and the level of responsibility assigned to an incumbent, allocation of a position must be based on the overall duties and responsibilities assigned to an individual position compared to the existing classifications. The allocation or misallocation of a similar position is not a determining factor in the appropriate allocation of a position." Citing to Flahaut v. Dept's of Personnel and Labor and Industries, PAB No. ALLO 96-0009 (1996).

Additionally, most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the

appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Based on the majority of your position's duties and responsibilities, the Locksmith class series is the best fit for your position. I understand you have concerns about the language and pay structure of the Locksmith classes. However, the allocation review process is not the proper forum to rewrite or create new classifications. Instead, there is a specific process for submitting class proposals. To better understand this process, please talk with your union representative and/or HR representative.

When considering the classes in the Locksmith series, I reviewed the classes revised by the Department of Personnel, effective July 1, 2007. The revised classes no longer require the incumbent to lead or supervise to be allocated to the Locksmith Lead or Locksmith Supervisor classes, respectively. The **Locksmith Lead** classification states, in part, the following: "This is the senior, specialist, **or** leadworker level of the series" (Exhibit G-5). The Department of Personnel Glossary of terms for Classification, Compensation, & Management defines **specialist** duties as those involving "intensive application of knowledge and skills in a specific segment of an occupational area."
<http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.as>

DOC determined your duties meet the specialist level of the series. Further, although the PDF has not designated your position as a leadworker, both parties have indicated that you may instruct other maintenance staff on work affecting the locking systems. While I agree the duties you perform are very specialized, I conclude that the duties and scope of responsibility assigned to your position exceed the specialist level of the series.

Similar to the definition for a Locksmith Lead, the **Locksmith Supervisor** definition states, in part, "[t]his is the supervisory **or** expert level" (Exhibit G-6). The Department of Personnel's glossary does not specifically define expert. However, at WCCW, your position has been assigned sole responsibility for all maintenance and repair work on all detention locking systems for the institution. As such, your position requires a high degree of skill and knowledge about the intricacies of each detention or security system.

As the only locksmith position within your facility, you have the expertise to install, operate, and maintain the locking systems. You work directly with manufacturers when guidance is needed on the mechanics of a system, and you train designated maintenance staff to perform emergency backup locksmith functions as needed. In addition, your position has responsibility for creating and implementing preventive maintenance plans and determining which materials to order and keep in inventory so all locking system maintenance functions can be performed. Though not exact, these responsibilities are similar to the level of typical work examples described in the Locksmith Supervisor class specification. Based on the

level, scope and diversity of the overall duties and responsibilities of your position, the Locksmith Supervisor classification is the best fit.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Tina Cooley, DOC
Joanne Harmon, DOC

Enclosure: List of Exhibits

WILLIAM CODY v DOC

ALLO-08-067

Exhibit List

- A.** Director's Review Request filed by employee September 19, 2008: 9/15/2008 memo disagreeing with upgrade to Locksmith Lead and follow-up letter to Donna Haley.
1. September 16, 2008 email to Donna Haley and Joanne Harmon with attachment of Director's review request (duplicate of Exhibit A)
 2. September 3, 2008 allocation decision from DOC
 3. Classification & Pay Handout from DOP Director's Meeting in May 2005 (Demonstrative of Maintenance Mechanic class history)
 4. Performance Plan – 1/07 through 12/07 (Demonstrative of duties)
 5. Position Description with Captain Green as supervisor (unsigned)
 6. List of DOC Locksmiths
 7. Job announcement for Maintenance Mechanic 4 (Demonstrative of Mr. Cody's argument)
 8. Job announcement for Maintenance Mechanic 3 – Locksmith (Demonstrative of Mr. Cody's argument)
 9. Document created by Mr. Cody recommending new classification standard (Demonstrative of Mr. Cody's argument)
 10. U.S. Office of Personnel Management Job Grading Standard for Industrial Equipment Mechanic (not allocating criteria in WA state class plan)
 11. U.S. Office of Personnel Management Job Grading Standard for Industrial Equipment Mechanic (not allocating criteria in WA state class plan)
 12. Locksmith class outside of WA (not allocating criteria)
 13. Reference to Restricted Policy DOC Policy 420.550
 14. List of Promotions April 2008 (not allocating criteria)
- B.** Packet of 24 Position Descriptions from other DOC facilities (Demonstrative of Mr. Cody's argument. Reviewed solely for the purpose of understanding DOC's organizational structure)
- C.** April 2007 Position Description for Bill Cody, Locksmith, position #GC81, filed by DOC April 2, 2009.
- D.** September 16, 2008 memo to Eldon Vail, DOC Secretary, from Mr. Cody with feedback about DOC's decision.
- E.** State Locksmith comparison chart created by Mr. Cody (To illustrate his argument).

F. BHMA Standards (Illustration of Mr. Cody's argument regarding locksmith classes but outside the scope of allocating criteria)

G. Class Specifications

1. Maintenance Mechanic 1 with Class Series Concept (class code 626J)
2. Maintenance Mechanic 3 (class code 626L)
3. Maintenance Mechanic 4 (class code 626M)
4. Locksmith (class code 615E)
5. Locksmith Lead (class code 615F)
6. Locksmith Supervisor (class code 615G)
7. Abolished Locksmith Supervisor (prior to July 1, 2007 – class code 70140) (For reference)
8. Abolished Locksmith Lead (prior to July 1, 2007, for Higher Education – class code 5376) (For reference)

H. Email correspondence between parties and Teresa Parsons after Director's review conference but prior to Director's determination

1. May 13, 2009 email to Teresa Parsons from William Cody clarifying maintenance duties.
2. May 18, 2009 email to William Cody from Donna Haley clarifying DOC management's decision to review stand alone locksmith positions.
3. May 22, 2009 email to Teresa Parsons from William Cody with suggested language for Maintenance Mechanic Locksmith class.
4. August 6, 2009 email to Teresa Parsons from William Cody regarding definitions for Locking Systems and Locking Device.